

Exhibit A

From: [John Gutkoski](#)
To: [Craig, Royal](#)
Cc: [Scott R. Magee](#); [Paige K. Zacharakis](#)
Subject: Re: Draft Case Schedule
Date: Friday, September 3, 2021 3:44:26 PM
Attachments: [image001.png](#)

Roy -

We don't see how any details about piercing the veil between BS and ITG or between either entity and its owners will require additional discovery directed to KPM. Defendants' finances will be the subject of information exclusively within their control.

As for your suggestion of consulting the special master, Judge Hillman's May 19th Order would seem to prevent that:

"I appoint Attorney Robert White of the firm of Bourgeois White of Worcester, Massachusetts as Special Master to deal with any discovery issues that arise during this expedited discovery period only. His fees shall be paid equally by the Plaintiff and Corporate Defendants, unless otherwise ordered by this Court." ECF No. 44 at p. 3 (emphasis supplied).

We will prepare the Report with each side's proposal and have the Court decide. We will circulate a final version early next week.

Sincerely,
John

On Sep 3, 2021, at 8:37 AM, Craig, Royal <rcaig@gfrlaw.com> wrote:

John

See my last email...do you suppose BS and ITG have a common interest in defending against piercing the veil? Same liability exposure?
I concede some overlap in the issues, but there are different counts, people, witnesses, etc.
Consequently, I seek two separate sets of RFAs. If you are willing to consider that at all then I suggest let me know what you might be comfortable with (fill in the blanks) ...the Entity Defendants separately and the Individual Defendants collectively may each serve [] interrogatories and [] requests for admission on plaintiff.
If not then Robert White is still aboard. I'm happy to do a joint call with him and let him school me.

Roy

Royal W. Craig, Esq.

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rcraig@gfrlaw.com
www.gfrlaw.com

We Moved!

Effective April 19, 2021, we moved our offices, mailing address and center of remote operations to Harbor East. Our email addresses and phone numbers are unchanged.
[<image001.png>](#)

From: John Gutkoski <JTG@c-m.com>
Sent: Thursday, September 2, 2021 1:12 PM
To: Craig, Royal <rcraig@gfrlaw.com>
Cc: Scott R. Magee <smagee@morse.law>; Paige Zacharakis <pzacharakis@morse.law>
Subject: [EXTERNAL] Re: Draft Case Schedule

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Roy -

Our proposal already gave defendants more than they are collectively permitted under the Local Rules. Given the dispute, we should just follow its dictates:

Local Rule 26.1(c):

(c) Discovery Event Limitations. Unless the judicial officer orders otherwise, the number of discovery events shall be limited for each side (or group of parties with a common interest) to 10 depositions, 25 interrogatories, 25 requests for admissions, and 2 separate sets of requests for production. For purposes of determining the number of interrogatories propounded, subparts of a basic interrogatory which are logical extensions of the basic interrogatory and seek only to obtain specified additional particularized information with respect to the basic interrogatory shall not be counted

separately from the basic interrogatory.

On Sep 2, 2021, at 1:03 PM, Craig, Royal <rraig@gfrlaw.com> wrote:

John

I do not speak for the individual defendants. I speak for the entity defendants. We are fine with V.b. However, there are two entity defendants with different people, issues and defenses. In regard to section V.c you get your full 25/25 of each, and each entity defendants wants 25/25 in return. Consider...the Entity Defendants separately and the Individual Defendants collectively may each serve 25 interrogatories and 25 requests for admission on plaintiff.

Roy

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[<image001.png>](#)

From: John Gutkoski <JTG@c-m.com>
Sent: Thursday, September 2, 2021 9:48 AM
To: Craig, Royal <rraig@gfrlaw.com>
Cc: Scott R. Magee <smagee@morse.law>; Paige Zacharakis <pzacharakis@morse.law>
Subject: [EXTERNAL] Re: Draft Case Schedule

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Roy -

The judge will never grant that, particularly when the claims and defenses as pled focus so much on defendants' misconduct. The volume of requests is abusive. So we can take it to him.

Plus, if you all are going to get so much then there are apparently other issues here and KPM will need more requests as well.

That said, what is the minimum of each type that the entity defendants believe they actually need?

John

On Sep 2, 2021, at 9:36 AM, Craig, Royal
<rcraig@gfrlaw.com> wrote:

John

You made your bed. The entity defendants are willing to consider a compromise but do not agree to the discovery limits as proposed.

Roy

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From: John Gutkoski <JTG@c-m.com>
Sent: Wednesday, September 1, 2021 1:18 PM
To: Craig, Royal <rcraig@gfrlaw.com>
Cc: Prickett, William <wprickett@seyfarth.com>; Wilson, Dallin R <DRWilson@seyfarth.com>; Kippins, Michael A. <mkippins@seyfarth.com>; Ritchie, George F. <gritchie@gfrlaw.com>
Subject: [EXTERNAL] RE: Draft Case Schedule

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Roy –

KPM has no issue with the proposed changes to the schedule. Removing “collectively” in the Joint Statement as you propose, however, would subject KPM to 6 more sets of document requests and 150 interrogatories and requests for admission. This would be excessive and unduly burdensome. KPM cannot agree to it. Will the Entity Defendants agree to the discovery limits as proposed or should we present our two positions to the Judge and allow him to choose?

Thank you,
John

From: Craig, Royal <rcraig@gfrlaw.com>
Sent: Wednesday, September 1, 2021 10:35 AM
To: John Gutkoski <JTG@c-m.com>
Cc: Prickett, William <wprickett@seyfarth.com>; Wilson, Dallin R <DRWilson@seyfarth.com>; Kippins, Michael A. <mkippins@seyfarth.com>; Ritchie, George F. <gritchie@gfrlaw.com>
Subject: RE: Draft Case Schedule

Here are BS/ITG's proposed changes John

Roy

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From: John Gutkoski <JTG@c-m.com>
Sent: Wednesday, September 1, 2021 10:19 AM
To: cohara@toddweld.com; Ritchie, George F. <gritchie@gfrlaw.com>; Handley, James D. <jhandley@gfrlaw.com>; mdavis@toddweld.com; Kippins, Michael A. <mkippins@seyfarth.com>; pzacharakis@morse.law; Craig, Royal <rcraig@gfrlaw.com>; simagee@morse.law; Prickett, William <wprickett@seyfarth.com>; Wilson, Dallin R <DRWilson@seyfarth.com>
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Counsel -

Please provide any comments to these today. If we do not hear from you, we will file our proposal.

Thank you.

John

On Aug 25, 2021, at 9:29 AM, John Gutkoski <JTG@c-m.com> wrote:

Counsel –

Following up on our Rule 26f Conference, attached here for your comment are draft joint scheduling papers. Should the parties not reach a mediated resolution of the case tomorrow (Thursday), please provide by Friday any comments and/or approvals to file these.

Thank you.

John

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<Rule 16 Joint Statement.docx>

<Proposed Scheduling Order.docx>

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